

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

1:21-cr-00532 DHU

ABEL GARZA,

Defendant.

ORDER REVOKING CONDITIONS OF PRETRIAL RELEASE

THIS MATTER came before the Court on April 15, 2022, for a hearing on a Petition for Action on Conditions of Pretrial Release, alleging that defendant had walked away from the La Pasada Halfway House on August 9, 2022, without permission, and that his whereabouts were unknown. *See* Doc. 27. At the hearing, the defendant did not contest the allegations in the Petition but asked to be heard on conditions of release. *See* Doc. 46. The Court found that defendant violated the conditions of his pretrial release as alleged in the Petition but agreed to consider releasing the defendant to the home where he said he had been staying since he walked away from La Pasada. *See* Doc. 43. The Court ordered Pretrial Services to investigate whether the requested residence would be appropriate. *See id.*

On April 22, 2022, Pretrial Services filed a report showing that the proposed residence is not an appropriate place for the defendant to reside pending his trial: the house is unsanitary, and two of the three occupants of the home have significant criminal histories. *See* Doc. 47. No further hearing is necessary on the defendant's proposal for release. Defendant walked away from the La Pasada Halfway House on August 9, 2021, and his whereabouts were unknown until

he was arrested on April 12, 2022. No suitable alternative to custody is available to assure defendant's future appearance as required.

IT IS THEREFORE ORDERED that the conditions of release previously imposed are hereby REVOKED; and that the defendant ABEL GARZA be remanded to the custody of the U.S. Marshal pending trial in this matter.


Laura Fashing, U.S. Magistrate Judge